

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 98-07810

Priority: March 29, 2002

Maximum Diversion Rate: 0.22 CFS  
Maximum Diversion Volume: 81.0 AF

It is hereby certified that SMITH CREEK NURSERY LLC  
3040 DISTRICT TWO RD  
BONNERS FERRY ID 83805 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated March 29, 2002; and has  
submitted Proof of Beneficial Use on August 30, 2010. An examination indicates that the works have a  
diversion capacity of 0.22 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <b><u>BENEFICIAL USE</u></b> | <b><u>PERIOD OF USE</u></b> | <b><u>DIVERSION RATE</u></b> | <b><u>ANNUAL<br/>DIVERSION VOLUME</u></b> |
|------------------------------|-----------------------------|------------------------------|-------------------------------------------|
| IRRIGATION                   | 04/01 to 10/31              | 0.22 CFS                     | 81.0 AF                                   |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NE1/4SW1/4 Sec. 1, Twp 62N, Rge 01E, B.M. BOUNDARY County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW   |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|------|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW | SW | SE | NE | NW | SW | SE |        |
| 62N 01E 1   |    |    |    |    |    |    |    |    | 27.0 |    |    |    |    |    |    |    | 27.0   |

Total Acres: 27

**CONDITIONS OF APPROVAL**

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed on this 10 day of January, 2013.

  
GARY SPACKMAN  
Director